



House of Representatives

General Assembly

File No. 593

February Session, 2018

Substitute House Bill No. 5544

House of Representatives, April 19, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO
MISDEMEANOR SENTENCES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2018*) (a) Notwithstanding any
2 provision of the general statutes, any offense which constitutes a
3 breach of any law of this state for which a person may be sentenced to
4 a term of imprisonment of up to but not exceeding one year shall be
5 punishable by imprisonment for a period not to exceed three hundred
6 sixty-four days. A misdemeanor conviction for which a person was
7 sentenced to a term of imprisonment of one year shall continue to be
8 deemed a misdemeanor conviction after the maximum term of
9 imprisonment is reduced pursuant to this section.
- 10 (b) The provisions of this section apply to any term of imprisonment
11 for which a person was sentenced to before, on or after July 1, 2018.
- 12 (c) Any person sentenced to a term of imprisonment of one year,

13 prior to July 1, 2018, for any offense previously punishable by a term of
14 imprisonment of up to but not exceeding one year, may apply to the
15 court that entered the judgment of conviction to have the term of
16 sentence modified to the maximum term of imprisonment for a period
17 not to exceed three hundred sixty-four days. Any such application
18 may be filed at any time and the court shall issue such modification
19 regardless of the date of conviction, provided the record of such
20 sentence has not been destroyed.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2018</i>	New section
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JUD*Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.	GF - Potential Minimal Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill reduces the maximum sentence for certain misdemeanors from one year to 364 days and results in a potential minimal savings to the state to the extent that these inmates have their sentences reduced by one day. On average, the marginal cost to the state for incarcerating an offender for a day is \$5.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of inmates with maximum misdemeanor sentences.

¹ Inmate marginal cost is based on reduced consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a reduction in staffing costs or utility expenses because these would only be realized if a unit or facility closed.

OLR Bill Analysis**sHB 5544****AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.****SUMMARY**

This bill reduces the maximum sentence for misdemeanors from one year to 364 days. Currently, the maximum sentence for a class A misdemeanor, and certain unclassified misdemeanors, is one year.

The bill provides that if someone was sentenced to a one-year prison term for a misdemeanor, the conviction must still be deemed a misdemeanor after the maximum term is reduced to 364 days as provided above.

The bill (1) allows anyone previously sentenced to a one-year prison term for a misdemeanor to apply to court to modify the sentence to 364 days and (2) requires the court to issue the modification unless the sentencing records have been destroyed. The person must apply to the court that entered the judgment of conviction, and may apply at any time (thus, even after completing the sentence).

The bill applies regardless of when the person was sentenced.

EFFECTIVE DATE: July 1, 2018

BACKGROUND***Federal Immigration Law***

Federal law lists certain categories of crimes which render a non-citizen removable from the United States or otherwise affect immigration status. In some situations, immigration consequences are triggered based on whether the crime was punishable by at least one year in prison.

For example, a non-citizen may be removed following conviction for (1) a “crime involving moral turpitude” committed within five years after admission (or 10 years in some cases) if the maximum sentence for the crime is at least one year, or (2) an “aggravated felony” committed at any time after admission (8 U.S.C. § 1227(a)(2)). Aggravated felonies include, among others, certain offenses with a sentence of at least one year, regardless of the offense’s classification under state law (8 U.S.C. § 1101(a)(43)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 30 Nay 10 (04/04/2018)